

## **REMARKS**

Claims 14-19 are pending in the present application.

This Amendment is in response to the Office Action mailed May 1, 2002. In the Office Action, the Examiner rejected claims 14-16 under 35 U.S.C. §112; and claims 14, 17 and 18 under 35 U.S.C. §103(a). In addition, the Examiner indicated allowable subject matter for claims 15, 16 and 19 if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 14-19, and added claims 20-33. Applicants submit that the newly-added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### **I. SPECIFICATION**

The Examiner objected to the Specification due to minor informalities. Specifically, the Examiner stated that the description of the related art is missing. In response, Applicants have amended the Specification to change the heading "BACKGROUND OF THE INVENTION" to "DESCRIPTION OF THE RELATED ART". Therefore, Applicants respectfully request the objection be withdrawn.

### **II. REJECTION UNDER 35 U.S.C. §112**

In the Office Action, the Examiner rejected claims 14-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 14-16 to clarify the claim language. Therefore, Applicants respectfully request the rejection under 35 U.S.C. §112 be withdrawn.

### **III. REJECTION UNDER 35 U.S.C. §103(A)**

In the Office Action, the Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,013,681 issued to Godbey et al. ("Godbey") in view of U.S. Patent No. 5,310,451 issued to Tejwani et al. ("Tejwani"). The Examiner also rejected claims

17 and 18 as being unpatentable over Tejewani in view of Godbey. Applicants respectfully traverse the rejections for the following reasons.

Godbey discloses a method of producing a thin silicon-on-insulator (SOI) layer. Silicon Germanium alloy is used as an etch stop in bond-and-etchback SOI technology (Godbey, col. 6, lines 10-16).

Tejewani discloses a method of forming an ultra-uniform silicon-on-insulator layer. A first strain-free etch stop layer is formed on top surface of primary substrate (Tejewani, col. 5, lines 47-49). On top of the first strain-free etch stop layer is one intermediate layer pair comprising a spacer layer and a second strain-free etch stop layer (Tejewani, col. 6, lines 40-68).

Contrary to the Examiner's contention that Tejewani teaches "a strained silicon layer 22 in contact with the relaxed SiGe" (Office Action, page 3, paragraph 6, last line), the intermediate layer pair 22 comprises only a spacer layer and a strain-free layer. Therefore, in effect, Tejewani teaches away use of strained silicon layer.

There is no motivation to combine Godbey and Tejewani because neither of them addresses the problem of transferring a strained silicon layer to a silicon oxide layer. There is no teaching or suggestion that a strained silicon layer on top of a silicon oxide is present. Godbey and Tejewani, read as a whole, does not suggest the desirability of transferring a strained silicon layer to a silicon oxide layer. For the above reasons, the rejection under 35 U.S.C. §103(a) is improperly made.

Godbey and Tejewani, taken alone or in any combination, do not disclose, suggest, or render obvious transferring a strained silicon layer to a silicon oxide layer.

To clarify the claim language, claims 14-19 have been amended. In addition, new claims 20-33 are added without introducing new matter.

The Examiner failed to establish a prima facie case of obviousness and failed to show there is teaching, suggestion or motivation to combine the references. "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 U.S.P.Q. (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight

knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 U.S.P.Q. (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re ROUFFET, 149 F.3d 1350 (Fed. Cir. 1996), 47 U.S.P.Q.2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985).

Therefore, Applicants believe that independent claims 1, 14 and 17 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §112 and 35 U.S.C. §103(a) be withdrawn.

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### IN THE SPECIFICATION

1. The heading on page 1, line 6, "BACKGROUND OF THE INVENTION" has been replaced as follows:

-- DESCRIPTION OF THE RELATED ART --

2. The sentence beginning on page 3, line 17; has been amended as follows:

--The relaxed SiGe layer has the thickness in the range of approximately from 0.1 $\mu$ m to 3.0 $\mu$ m.--

3. The sentence beginning on page 4, line 31; has been amended as follows:

-- The higher temperature heat treatment results in the bonding of surface 104 to wafer ~~104~~ 401 at the SiO<sub>2</sub> interface 601.--

4. The paragraph on page 5, line 14; has been amended as follows:

-- In one embodiment where there is no implanting step (i.e., hydrogen implant), the embrittled region is not formed. The strained silicon layer ~~403~~ 104 is transferred to the SOI wafer 401 by a bonded-etchback process on the silicon wafer 101 and the strained SiGe ~~403~~ 104. this gives the strained silicon film on the SOI wafer 401.--

### IN THE CLAIMS

The following is a set of claims showing all amended and new claims.

- 1            14. (AMENDED) A ~~wafer~~ device comprising:  
2            a silicon layer;  
3            a relaxed SiGe layer; and  
4            a strained silicon layer in contact with the relaxed SiGe layer, the strained silicon  
5            layer being to be transferred to the top of the relaxed SiGe layer a wafer by a heat  
6            treatment, the wafer having a base substrate and an oxidized film.

1           15.     (AMENDED) The ~~wafer device~~ of claim 14 ~~wherein the relaxed SiGe layer~~  
2     ~~contains~~ further comprising an embrittled region.

1           16.     (AMENDED) The ~~wafer device~~ of claim 15 wherein the embrittled ~~report~~  
2     region is created by implanting hydrogen ions an ion implantation.

1           17.     (AMENDED) A ~~wafer device~~ comprising:  
2             a silicon layer;  
3             a SiO<sub>2</sub> layer in contact with the silicon layer; and  
4             a strained silicon layer on top of the SiO<sub>2</sub> layer, the strained silicon layer being  
5     transferred from a wafer, to an oxidized wafer by a heat treatment the wafer having base  
6     substrate and a layer of relaxed film.

1           18.     (AMENDED) The ~~wafer device~~ of claim 17 wherein the ~~oxidized wafer~~  
2     ~~contains~~ relaxed film is a relaxed SiGe layer.

1           19.     (AMENDED) The ~~wafer device~~ of claim 18 wherein the ~~relaxed SiGe layer~~  
2     ~~contains~~ wafer further comprises an embrittled region.

1           20.     (NEW) The device of claim 17 wherein the strained silicon layer is  
2     transferred to top of the SiO<sub>2</sub> layer by a bonded-etch back process.

1           21.     (NEW) The device of claim 17 wherein the base substrate is a silicon layer.

1           22.     (NEW) The device of claim 17 wherein the heat treatment uses a  
2     temperature range of approximately 400°C to 600°C.

1           23.     (NEW) The device of claim 14 wherein the relaxed layer is a relaxed SiGe  
2     layer.

1           24.     (NEW) The device of claim 23 wherein the relaxed SiGe layer has a  
2     thickness ranging from 0.1µm to 3.0µm.

1           25.     (NEW) The device of claim 16 wherein the ion implantation uses an energy  
2     range of approximately 1keV to 20keV.

1           26.     (NEW) The device of claim 16 wherein the ion implantation uses a dose  
2     range of approximately  $1E16/cm^3$  to  $1E18/cm^3$ .

1           27.     (NEW) The device of claim 16 wherein the ion implantation uses hydrogen  
2     ions.

1           28.     (NEW) A wafer structure comprising:  
2     a first wafer having a first base substrate, a relaxed film layer, and a strained film  
3     layer; and  
4     a second wafer having a second base substrate and an oxidized film layer, the  
5     second wafer being bonded to the first wafer by a fire heat treatment, the strained film layer  
6     being transferred to the second wafer after the second wafer is separated from the first  
7     wafer by a second heat treatment.

1           29.     (NEW) The wafer structure of claim 28 wherein one of the first and second  
2     base substrates is a silicon layer.

1           30.     (NEW) The device of claim 28 wherein the relaxed film is a relaxed SiGe  
2     layer.

1           31.     (NEW) The device of claim 28 wherein the strained film layer is a strained  
2     silicon layer.

1           32.     (NEW) The device of claim 28 wherein the first heat treatment uses a  
2     temperature range of approximately 100°C to 300°C.

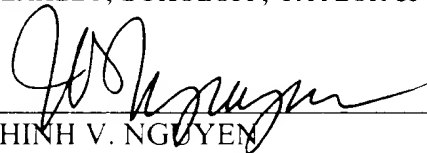
1           33.     (NEW) The device of claim 28 wherein the second heat treatment uses a  
2     temperature range of approximately 400°C to 600°C.

**CONCLUSION**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



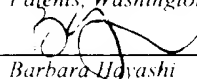
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**CERTIFICATE OF MAILING**

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